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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-07-00340 RMW
11)
Plaintiff,) DEFENDANT'S SENTENCING
12) MEMORANDUM
vs.)
13)
DANIEL VICTORIA-BENTANCOURT,)
14)
Defendant.)
15 _____)

16
17 Daniel Victoria-Bentancourt submits this sentencing memorandum to assist the Court in
18 fashioning an appropriate sentence in this matter. The defense has read the Presentence Report
19 prepared by the United States Probation Office in this matter. The defense agrees with the
20 guidelines calculations contained in the report, and with the resulting sentencing range.

21 More importantly, the defense finds that the report properly puts before the Court the
22 issues that should be considered pursuant to Title 18 § 3553, i.e. that Mr. Victoria-Bentancourt
23 has only been deported once; that he grew up in extreme poverty (poverty which thwarted his
24 attempt to improve his lot through military service); and that he has had a serious drug
25 dependency problem, which he genuinely recognizes as a contributor to his problems, and which
26 he seeks to address through treatment; and, finally, that this conviction and sentence follow a

1 previous lengthy sentence served in the CDC.

2 The defense also agrees with the sentence recommended by the United States Probation
3 Office. Independently of the recommendation, the defense would have asked for a sentence of
4 approximately 50 months. Mr. Victoria-Bentancourt would only add a request that the Court
5 recommend that he be housed where he will be able to participate in a drug treatment program,
6 including, but not limited to the intensive one year program under Title 18 U.S.C. § 3621(e), if
7 he is eligible.

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9 Dated: September 28, 2007

10 Respectfully submitted,

11 BARRY J. PORTMAN
12 Federal Public Defender

13 /S/

14 NICHOLAS PETER HUMY
15 Assistant Federal Public Defender
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